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RECENT CASES.

Accident at Railroad Crossing—Failure to Give Signal.—Durkee v. President, etc., of Delaware and H. Canal Co., 34 N. Y. Sup. 978. The repeal of a statute requiring signals to be given by a locomotive approaching a highway crossing does not relieve a railroad company from giving such warnings as would afford reasonable notice to travelers of the approach of a train.

Admiralty Jurisdiction—Torts Committed partly on Land and partly on Water.—Herman v. Port Blakeley Mill Co., 69 Fed. Rep. 646 (California). This was a case of mixed tort committed partly on land and partly on water. The plaintiff was injured by the negligence of a fellow workman, who, without warning, slid a beam through a chute from a landing above to a vessel below upon which plaintiff was working. The defendant denied the jurisdiction of the court in the case, claiming that as the origin of the injury was on land all the consequences resulting from the act should be drawn after it. In cases of tort locality is the test of the jurisdiction in the admiralty. The locality of the injury is the place or locality of the thing injured and not of the agent causing the injury. Therefore the court had jurisdiction in this case.

Attainder of Felony—Parricide—Right to Inherit Father's Estate.—In re Carpenter's Estate, 32 Atl. Rep. 637 (Penn.). A son murdered his father for the purpose of obtaining immediate possession of his share of the estate, the widow becoming an accessory after the fact, and they afterward conveyed their interests in the estate to the attorneys who defended them in a prosecution for murder. It was held that the act of murder did not, in the absence of a will, destroy the son's right to immediate possession of his share.

Bank Deposits—Transfer—Creation of Trust.—Cunningham v. Davenport (Public Administrator), 41 N. E. Rep. 412 (N. Y.). A bank depositor opening an account in the name of or in trust for another creates no trust in favor of that party if he retains the bank book which is evidence of right to draw the deposit and does not inform the beneficiary of the account. But in case the depositor dies before the beneficiary leaving the

account open and unexplained it will be conclusive evidence and will establish the validity of the trust.

Bequest to Charitable Uses — Construction — Validity. — *People v. Powers*, 41 N. E. Rep. 432 (New York). A bequest of property to be disposed of among "charitable and benevolent institutions or corporations" in a city is void for uncertainty as to the beneficiaries. Charitable institutions such as orphan asylums and the like are one class; benevolent associations such as Ancient Order of United Workmen, with numerous others of like character, form another class, while unincorporated institutions would include sewing societies and like organizations found in nearly every circle of society. Difficult if not impracticable to ascertain beneficiaries, and therefore the gift is incapable of being executed by judicial decree.

Carriers—Liability Not Limited—Interstate Commerce.—*Solan v. Chicago, M. & St. P. Ry. Co.*, 63 N. W. Rep. 692 (Ia.). The plaintiff was injured while in charge of cattle on the train of the defendant. The contract of shipment provided that the liability of the company for such an injury should be limited to \$500. The court held that under section 1308 of the Code a corporation could not limit its liability as a common carrier by contract, and that this section of the Code was not a "regulation of interstate commerce," and did not therefore encroach upon the federal jurisdiction as contended by the defendant.

Carriers—Contract with Agent of Shipper—Limitation of Authority.—*Smith v. Robinson Bros. Lumber Co.*, 34 N. Y. Sup. 518. A shipper of lumber acting as agent for an undisclosed principal contracted with a transportation company to carry a cargo of lumber from Ontonagon to Sandusky, at \$2.50 per thousand, that price being the amount of freight authorized to be paid by the instructions of the principal. While the cargo was being loaded, the agent finding no sales for lumber at Sandusky, directed the master of the vessel to take the cargo to Tonawanda on consideration of the payment of extra freight. Held, that a carrier contracting with the agent of the owner of goods for their transportation, is not affected by a limitation of the agent's authority to agree on the terms of transportation, but can recover a reasonable compensation therefor.

Contracts—Illegality—Collusive Bidding.—*McMullan v. Hoffman*, 69 Fed. Rep. 509 (Oregon). Two bidders on public works enter